

Exhibit 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 SADRICK DONALDSON :
4 Plaintiff :
5 VS : CIVIL ACTION NO. 04-257E
6 UNITED STATES OF : MAGISTRATE JUDGE BAXTER
7 AMERICA, : JUDGE McLAUGHLIN
8 Defendant :
9

10 **COPY**

11 DEPOSITION OF: SADRICK L. DONALDSON
12 TAKEN BY: DEFENDANT
13 BEFORE: NICOLE L. ZIMMERMAN
14 NOTARY PUBLIC
15 DATE: MAY 5, 2005, 10:55 A.M.
16 PLACE: FCI ALLENWOOD
17 ROUTE 15 NORTH
18 WHITE DEER, PA 17887
19

20 APPEARANCES:

21 DEPARTMENT OF JUSTICE
22 U.S. ATTORNEY'S OFFICE
23 WESTERN DISTRICT OF PA
24 BY: PAUL E. SKIRTICH, ESQUIRE
25 700 Grant Street, Suite 400
 Pittsburgh, PA 15219
 FOR - DEFENDANT

26 ALSO PRESENT: DIANA LEE, ESQUIRE

1 housed?

2 A At McKean FCI.

3 Q Do you recall when you arrived at McKean?

4 A I don't recall the specific day, but it was
5 in 2001, to the best of my knowledge.

6 Q If I told you that you arrived at McKean on
7 November the 9th of 2001, does that help you remember
8 the date?

9 A It sounds accurate. It might be accurate.
10 I know it was 2001.

11 Q Sometime before Christmas of 2001, you
12 arrived at McKean?

13 A Yes, sir.

14 Q The incident that we're talking about today
15 occurred at McKean; is that correct?

16 A Yes, sir.

17 Q When you arrived at McKean, did you arrive
18 before an inmate whose last name is Drayton,
19 D-R-A-Y-T-O-N?

20 A Yes, sir.

21 Q Who is Inmate Drayton, if you know?

22 A Inmate Drayton is the inmate that dumped the
23 liquids in my face.

24 Q What is his first name?

25 A Eric.

1 Q E-R-I-C?

2 A Yeah, E-R-I-C.

3 Q When did Eric Drayton arrive at McKean?

4 A I'm not sure when he arrived at McKean. I
5 don't know when exactly he arrived at McKean.

6 Q You do know that he arrived at McKean after
7 you were there?

8 A Yeah.

9 Q Prior to McKean, where were you housed?

10 A At USP Allenwood.

11 Q Approximately how long were you at Allenwood
12 prior to being transferred to McKean?

13 A Between five months or eight months. It
14 could have been a year, but I don't think I was there
15 no longer than a year.

16 Q Were you at any bureau prison facility
17 before Allenwood?

18 A Yes, USP Atlanta.

19 Q USP stands for United States Penitentiary,
20 does it not?

21 A Yes.

22 Q Approximately how long were you at USP
23 Atlanta?

24 A Approximately two years, maybe two and a
25 half.

1 A Yes, I think it's the -- I don't know what
2 district it is, but I think it's the lower district.

3 Q It could be the Southern District of
4 Alabama, does that strike a bell?

5 A Yeah, Southern District.

6 Q But it was in Mobile?

7 A Mobile, Alabama.

8 Q Thank you. When did you first meet Inmate
9 Eric Drayton?

10 A Inmate Eric Drayton, I met him at USP
11 Allenwood.

12 Q You did not know him prior to that time; is
13 that correct?

14 A No, sir.

15 Q You had never served time with Inmate
16 Drayton prior to Allenwood; is that also correct?

17 A I'm not sure. He could have been on another
18 compound that I was on, but I'm not sure, but that's my
19 first time meeting him --

20 Q That's a good answer.

21 A -- was across the street.

22 Q That's a good answer. But the first time
23 you knew and met Drayton was here at Allenwood; is that
24 correct?

25 A Yeah, USP Allenwood.

1 correct?

2 A Yes, sir.

3 Q That score determines at what institution
4 you will be sentenced to; is that also correct?

5 A Yes, sir.

6 Q Or that score determines at what institution
7 you'll serve your time for that period of -- for that
8 period of time; is that correct?

9 A Yes, sir.

10 Q And as you go on in your sentence, if you're
11 being sentenced for 10 years or 12 years, you may go to
12 a different level -- lower level classification of
13 institutions after some period of time; is that
14 possible?

15 A It's possible, but you got also with inmate
16 assisted government, they usually give them a transfer,
17 so...

18 Q All right. Fair enough. What
19 classification is Allenwood?

20 A It's a high.

21 Q What classification is McKean?

22 A It's a medium.

23 Q So McKean is a lower level in a BOP system
24 than Allenwood; is that correct?

25 A Yes, sir.

1 Q So your maintenance duties took you to an
2 area where you interacted with Drayton or at least met
3 Drayton; is that correct?

4 A Yes, sir.

5 Q Did you have any type of a relationship with
6 Drayton here at Allenwood?

7 A We had a friend relationship.

8 Q Did you have any problems with Drayton when
9 you were here at Allenwood prior to you being
10 transferred to McKean?

11 A I got into an altercation with him in the
12 cell, in the unit.

13 Q And when you say with him, you're referring
14 to Drayton; is that correct?

15 A Verbal altercation, not a physical
16 altercation -- Eric Drayton.

17 Q You just read my mind. So did you suffer
18 any injuries as a result of that altercation -- verbal
19 altercation with Drayton when you were at Allenwood?

20 A No, because somebody else interacted in the
21 conversation and I just went on about my business.

22 Q What was the name of the inmate who
23 interacted in this altercation here at Allenwood?

24 A I can't remember the name of the inmate, but
25 they was from DC.

1 Q Was it your cellmate?

2 A I think it was.

3 Q Was this altercation reported to prison
4 officials?

5 A No, sir.

6 Q Did you report it to prison officials?

7 A No, sir.

8 Q Do you recall what Eric Drayton told you or
9 said to you during this verbal altercation?

10 A I can't recall.

11 Q Did Eric Drayton threaten you during this
12 verbal altercation here at Allenwood before you were
13 transferred to McKean?

14 A Yes.

15 Q Do you recall the nature of that threat; in
16 other words, did he say he was going to kill you?

17 A Well, he said he was going to fuck me up if
18 he sees somebody in my face.

19 Q What was your understanding of what Inmate
20 Drayton was telling you the condition on which he was
21 going to cause you some harm?

22 A Don't talk to nobody.

23 Q And when you say don't talk to nobody, was
24 Drayton referring --

25 A To inmates.

1 to McKean FCI.

2 Q Who was your unit manager at Allenwood at
3 that time, if you recall?

4 A I can't recall, but it was a -- I think it
5 was a man. I can't recall.

6 Q And you mentioned that you were transferred
7 or able to go to McKean because you paid off your fine,
8 is that what you said?

9 A Yeah, it was like a court assessment fee.

10 Q And that's a Federal District Court
11 assessment?

12 A Yeah.

13 Q For each count that you're convicted, you're
14 charged a dollar amount; is that correct?

15 A I think so.

16 Q And you had successfully paid off all of
17 this amount of money, this fine; is that correct?

18 A Yes, sir.

19 Q If you don't pay that fine to the Federal
20 District Court, does that prevent you from being
21 transferred?

22 A Yes, sir, and then they put you on refusal
23 status.

24 Q So after you paid this fine, you were then
25 eligible to go to McKean; is that correct?

1 A Yes, sir.

2 Q Did you tell prison officials at any time
3 while you were here at Allenwood that you needed to get
4 away from Eric Drayton?

5 A No, I didn't tell them at Allenwood because
6 after -- I was in for transfer after the physical -- I
7 mean, the verbal altercation happened, so...

8 Q How did you know Eric Drayton transferred to
9 McKean when you were there? How did you know that he
10 transferred to McKean?

11 A How did I know? Because I seen him on the
12 compound.

13 Q What unit were you housed in when you were
14 at McKean?

15 A BB.

16 Q And that's B as in boy; is that correct?

17 A Yes, sir.

18 Q What unit was Eric Drayton in when he
19 arrived at McKean, if you know?

20 A I think BA, next door, BA.

21 Q Building B is one self-contained building at
22 McKean; is that correct?

23 A It's one building, but it's split in half.

24 Q So Building B is one building at McKean; is
25 that correct?

1 A Yes, sir.

2 Q There is an A section where inmates live and
3 then there is a B section; is that correct?

4 A Yes, sir.

5 Q When did you have your first altercation
6 with Inmate Drayton at McKean?

7 A It was, like, probably a month or two months
8 after he got there. It could have been three or four
9 months.

10 Q Are you comfortable that within one to four
11 months after Drayton arrived at McKean, you and he had
12 some altercation?

13 A Yes, sir.

14 Q Was this altercation at McKean, which we'll
15 call the second altercation, was this a verbal or
16 physical altercation?

17 A It was a verbal altercation.

18 Q Did you ever have a physical altercation
19 with Inmate Drayton other than the incident that
20 spawned this lawsuit?

21 A No, sir. Physical meaning if he grabbed me?
22 That's physical, too, right?

23 Q Did Inmate Drayton ever touch you or grab
24 you or punch you or kick you or spit on you or push you
25 before the incident of August 29, 2003?

1 A Yes, sir.

2 Q When was the first time Inmate Drayton
3 touched you?

4 A It was in 2002 on the rec. yard.

5 Q At McKean?

6 A Yes, sir.

7 Q What did Inmate Drayton do?

8 A He grabbed me and he started cussing at me.

9 Q What was the source of this argument, if you
10 can recall?

11 A He wanted to have sex with me and he was
12 harassing me on the yard. And I had a friend that was
13 walking with me, so my friend -- the name is Rakeem
14 Berry -- he told him to leave me alone, but he
15 wouldn't.

16 Q Rakeem is R-A-K-E-E-M, Berry, B-E-R-R-Y,
17 does that sound about right?

18 A Yeah.

19 Q And he was an inmate -- Mr. Berry was an
20 inmate at McKean at the time?

21 A Yes, sir.

22 Q Had you ever had sex with Inmate Drayton
23 prior to this incident?

24 A Yes, sir.

25 Q When is the first time you had sex with

1 Inmate Drayton, here at Allenwood?

2 A No, it was at McKean.

3 Q The first time that you had sex with Inmate
4 Drayton at McKean, Mr. Donaldson, did you ever report
5 this to the prison officials at McKean?

6 A No, sir.

7 Q How many times did you have sex with inmate
8 Drayton at McKean before August 29, 2003?

9 A Probably two or three times. Two or three
10 times.

11 Q Did you ever report the two or three
12 incidents of sex that you had with Inmate Drayton to
13 the Bureau of Prison officials at McKean?

14 A No.

15 Q Did you have sex with any other inmates
16 while you were at McKean besides Inmate Drayton?

17 A No, sir.

18 Q Wasn't this the source of the problem
19 between you and Drayton, the fact that other inmates
20 may have wanted to have sex with you?

21 A No, sir.

22 Q You don't recall ever telling bureau prison
23 officials that Drayton was jealous, was upset that
24 other inmates were approaching you for sex?

25 A He was controlling and he wanted me to do

1 everything that he wanted me to do, like I can't go on
2 -- he don't want me on the yard, he don't want me
3 talking to other inmates, he threatened me when I
4 talked to other inmates, things like that.

5 Q How many other times did Inmate Drayton
6 touch you when you were at McKean, touching in a
7 grabbing, in an angry fashion, punching you -- strike
8 that. Let's go back.

9 Did Inmate Drayton ever punch you while you
10 were at McKean?

11 A No, sir.

12 Q Besides this incident of August 29, 2003,
13 which is well known, did Inmate Drayton ever hurt you
14 prior to that incident while you were at McKean?

15 A Not physically; but mentally, he did.

16 Q And the mental hurt by Inmate Drayton was
17 along this line that you just described where he was
18 trying to control your conduct and control your
19 activities and with whom you interacted; is that
20 accurate?

21 A Yes, he was trying to control me. He
22 threatened me. He had threatened my cellies, and he
23 was just -- huh.

24 Q You used this word "threaten" by Inmate
25 Drayton on more than one occasion here this morning.

1 What was the nature of Drayton's threats to you at
2 McKean if you didn't follow his orders?

3 A That I'm going to be with him, that I'm
4 going to have sex with him and things of that nature.

5 Q Did Inmate Drayton ever threaten to kill
6 you?

7 A Yes, sir.

8 Q Do you recall when Inmate Drayton threatened
9 to kill you while you were at McKean?

10 A Several times in 2002, and it's probably a
11 little bit in 2001, too.

12 Q Who did you tell at the Bureau of Prisons in
13 2002 about these threats by Inmate Drayton to kill you?

14 A I notified my unit team of the harassment,
15 that he was -- that he kept harassing me and was coming
16 to my unit and harassing me.

17 Q Did you tell your unit team that Drayton
18 threatened to kill you?

19 A No, the only person that I told that was, I
20 think, the SIS lieutenant and the lieutenants.

21 Q When did you tell the SIS lieutenant or
22 other lieutenants at McKean that Drayton threatened to
23 kill you?

24 A When I was under investigation for
25 protective custody.

1 Q Would this be in roughly around November of
2 2002?

3 A Yes, sir.

4 Q And you remember the date of November 12,
5 2002, when you ended up being in the Segregated Housing
6 Unit, which is called the SHU, S-H-U; is that correct?

7 A Yes, sir.

8 Q And is that what you're telling me that's
9 when you actually told the lieutenants of this threat
10 to kill you by Drayton; is that right?

11 A That's the only time that I -- yes, sir,
12 that I notified the lieutenant.

13 Q And that's the first time you notified the
14 lieutenants or anyone at McKean that Drayton threatened
15 to kill you, is that accurate, that's the first time?

16 A About the killing part?

17 Q Yes.

18 A Yes, I think it is.

19 Q And it's the only time you notified the
20 prison officials that Drayton threatened to kill you;
21 is that accurate?

22 A I'm not sure, because I don't know if I told
23 the lieutenant before I went in the Special Housing
24 Unit that this inmate was trying to kill me. I
25 remember telling them that this inmate had been

1 harassing me and he had knives and things of that
2 nature. I don't know if I told them that he tried to
3 kill me; I'm not sure.

4 Q But you do recall that you told a bureau
5 prison official that Drayton had a knife?

6 A Yes.

7 Q Do you recall who this lieutenant was by
8 name?

9 A I can't recall the lieutenant, but it was
10 the lieutenant that placed me in SHU. He told me that
11 I have to -- before he could place me in SHU that I
12 have to state the inmate's name who was harassing me
13 and what they was doing, and I told him specifically
14 Eric Drayton's name, and then I told him that DC
15 inmates was harassing me, also.

16 Q If I told you that that lieutenant's name
17 was Donald Nero, does that refresh your recollection?

18 A The only Donald Nero that I can remember is
19 the SHU officer that I refused to go back to population
20 for.

21 Q So it would not be Donald Nero who put you
22 into the SHU, it would have been some other lieutenant,
23 to the best of your recollection?

24 A To the best of my knowledge, I'm not sure.

25 Q All right. But most likely, you don't think

1 it was Donald Nero who you told about this existence of
2 a knife that Drayton had?

3 A I'm not sure.

4 Q All right. Did you ever file any writing
5 with the Bureau of Prison officials complaining or
6 alleging that Drayton had a knife?

7 A No, I didn't file it in writing, but before
8 I went to SHU, I think I signed a statement with the
9 lieutenant that night.

10 Q And this would be in November 2002?

11 A Uh-huh.

12 Q Is that correct?

13 A Yes, sir.

14 Q After you told the lieutenant on November
15 12, 2002, of this threat by Drayton, you were
16 interviewed by other Bureau of Prison officials that
17 day; do you recall that?

18 A That was the following day.

19 Q All right. If it was the following day, do
20 you recall being interviewed by Mr. Kindervator and
21 Mr. Buck?

22 A Mr. Kindervator and Mr. Buck, yes, sir.

23 Q And you related the same incident, same
24 threats, the same controlling behavior that Drayton had
25 shown you to Kindervator and Buck?

1 A Yeah, that night.

2 Q You stayed in the SHU until February of
3 2003; is that accurate?

4 A Yes, sir.

5 Q And, in fact, on February 12 of 2003, you
6 returned to the general population?

7 A Yes, sir.

8 Q You were continuously in segregated housing,
9 Mr. Donaldson, from November 12 of 2002 until February
10 12, 2003; is that correct?

11 A Yes, sir.

12 Q That's a period of 90 days, which is a
13 normal period of time that one is in the SHU, is that
14 correct, pending an investigation, if you know?

15 A I don't know.

16 Q Okay. Fair enough. That may be an unfair
17 question. Were you involved in the interview of Inmate
18 Drayton with Bureau of Prison officials during this
19 time you were in the SHU?

20 A No, sir.

21 Q Did you know that Inmate Drayton was, in
22 fact, interviewed by Bureau of Prison officials?

23 A Yes, sir.

24 Q How do you know that?

25 A Because when I was in the SHU from November

1 12, 2002, until February, the SIS lieutenant came and
2 seen me. I was an orderly in the SHU, and he told me
3 -- he said I talked to Inmate Eric Drayton and he said
4 that he was going to -- he was not going to bother me,
5 he wasn't going to harass me, he wasn't going to do
6 nothing to me.

7 So he told me that if Inmate Drayton do
8 something to me, he was going to ship him to -- across
9 the -- he'll probably wind up in California somewhere.
10 And I told him that I didn't want to go to the compound
11 because he might kill me.

12 Q All right. You refused to be released to
13 general population sometime in December of 2002 over
14 this same fear that you had from Inmate Drayton; is
15 that correct?

16 A Yes, sir.

17 Q Prior to be being put in the SHU on November
18 12, 2002, at McKean, how many times did you go to get
19 medical attention from injuries inflicted by Eric
20 Drayton?

21 A I seen the psychology -- the psychology
22 department, I was constantly seeing the psychology
23 department. And then I was trying to talk to the
24 psychology doctor about the incident, that I couldn't
25 sleep and things of that nature, but he tells me just

1 2003, how many interactions did you have with Eric
2 Drayton?

3 A From February --

4 Q February 12, 2003, is when you returned to
5 general population. Do you recall that date,
6 Mr. Donaldson?

7 A Uh-huh.

8 Q Is that yes?

9 A Yes, sir.

10 Q Thank you. You don't know -- and you've
11 testified you don't know the exact date that Inmate
12 Drayton was released to general population; is that
13 also accurate?

14 A Yes, sir.

15 Q When Drayton was released to general
16 population until the date of the incident, August 29,
17 2003, how many interactions did you have with Drayton
18 that were unpleasant?

19 A Anywhere between 5 and 15.

20 Q When you had an unpleasant interaction with
21 Inmate Drayton, who did you tell?

22 A I notified my unit team. Sometime I'll be
23 on the yard, I notified the staff around, because most
24 of the time, I tell staff and he's not there, so they
25 figure, like, I'm lying. Then he comes in the unit

1 of the SHU?

2 Q Correct.

3 A I'm not sure.

4 Q If I told you that I reviewed all of your
5 medical records and there are no reports of you going
6 to seek medical treatment as a result of an interaction
7 with Inmate Drayton after February 12, 2003, and before
8 August 29, 2003, would you agree with me?

9 A I'm not sure.

10 Q Is it possible that you were injured by
11 Inmate Drayton prior to August 29, 2003, physically
12 injured?

13 A Physically injured before 2003?

14 Q Before August 29, 2003. I'm simply asking,
15 did Inmate Drayton ever physically hurt you before
16 August 29, 2003?

17 A He grabbed me and things of that nature.

18 Q Did he hurt you?

19 A No.

20 Q Did you suffer any injuries, physical
21 injuries, as a result of touching by Inmate Drayton?

22 A Not physically.

23 Q And you did suffer mental stress, mental
24 injury, as you testified earlier today, because of this
25 touching by Inmate Drayton; is that correct?

1 A Yes.

2 Q You indicated that you had 5 to 15 incidents
3 with Inmate Drayton before August 29, 2003. Do you
4 recall that testimony?

5 A Yes, sir.

6 Q Every one of those incidents, did Inmate
7 Drayton touch you?

8 A No, sir.

9 Q How many of those incidents did Inmate
10 Drayton touch you before August 29, 2003?

11 A I'm not sure.

12 Q When you were in McKean, Mr. Donaldson, did
13 you try and further your education?

14 A Yes, sir.

15 Q How did you do that?

16 A I was in GED class.

17 Q When did you first start taking GED classes
18 at McKean?

19 A I'm not sure of the specific dates that
20 time.

21 Q How often did you take GED classes at
22 McKean?

23 A I was scheduled to go Monday through Friday.

24 Q When did you take GED classes at McKean
25 time-wise, during the morning, the afternoon?

1 A The afternoon.

2 Q Did you have GED classes in the evening?

3 A No, sir.

4 Q There were no GED classes in the evening,
5 were there?

6 A No, sir.

7 Q Do you recall your schedule when you took
8 GED classes in the afternoon, every day, Monday through
9 Friday?

10 A Monday through Friday.

11 Q What time did you start the classes?

12 A I'm not sure. I think it was at 12:00 to
13 1:30 or 2:30, something like that, in between.

14 Q So is it your testimony that your GED
15 classes were approximately two and a half hours in
16 length?

17 A No, the classes wasn't that long. I think
18 it was, like -- I think it was for, like, an hour or
19 two hours. I think it was two hours, but I don't know
20 the exact time that it started or ended.

21 Q Fair enough. Did you have a different
22 instructor each day of the week when you took these GED
23 classes?

24 A No, we have the teacher, but sometimes you
25 have another teacher that comes in and substitutes.

1 Q Who was the teacher for your GED classes at
2 McKean?

3 A I can't recall the name.

4 Q But that teacher would have been the same
5 person during the entire GED class; is that correct?

6 A Yes, sir.

7 Q Did you get your GED?

8 A No, sir.

9 Q How short of your GED are you?

10 A I was kind of close as far as getting it,
11 but now -- I mean, I just can't -- since the incident,
12 I can't sit in the classroom.

13 Q In August of 2003, how many other inmates
14 were in the GED classes, roughly? Five, ten?

15 A Ten to, say, 20.

16 Q Did this number of inmates who were in the
17 GED, Mr. Donaldson, fluctuate, did it vary or did it
18 stay the same?

19 A It varies.

20 Q Sometimes it would go up, and some other
21 days it would go down; is that correct?

22 A Not in a day. Say weeks, a couple of weeks,
23 it would go up, sometimes it would go down.

24 Q Do you remember how long the term was for
25 GED classes? Was it all year, year-round, was it

1 during the summer, the fall, the spring?

2 A No, it's all year-round.

3 Q If you had GED classes from 12 p.m. to 2:30
4 p.m., where were you located physically at McKean for
5 these classes?

6 A Inside the classroom.

7 Q Does that classroom have a number or a name
8 -- that department? Was this the education department?

9 A It was in the education department. The
10 classroom was directly across from -- I guess you could
11 call it the staff lounge, because most of the teachers
12 would be in that room.

13 Q Did you sit at a desk inside this classroom?

14 A Yes, sir.

15 Q Because you had to take notes or take exams;
16 is that correct?

17 A Yes, sir.

18 Q Who did you sit by in that classroom?

19 A I'm not sure of the inmate's name.

20 Q Did you sit by the same person every day?

21 A I sat in the same seat mostly every day,
22 yes.

23 Q Did Inmate Drayton take GED classes at
24 McKean?

25 A I don't know.

1 the liquid was coming in my eye and I couldn't see
2 nothing after that.

3 Q But you're sure that Inmate Drayton used
4 some sort of a container with the liquid and threw that
5 into your face, you saw that; is that right?

6 A Yes.

7 Q You're sure of that?

8 A Yes.

9 Q It wasn't any other inmate?

10 A No.

11 Q And it was a container that Drayton had that
12 contained this -- whatever this substance was; is that
13 correct?

14 A Yes.

15 Q How quickly after you heard Drayton call you
16 bitch did the liquid hit your face? Immediately?

17 A Like seconds.

18 Q When is the last time you saw Drayton before
19 that incident on August 29, 2003, at McKean?

20 A Before then, he used to come in the
21 classroom and he would sit and he used to be talking to
22 somebody in the classroom, and I don't know the
23 inmate's name, but he used to just come inside the
24 classroom and talk to someone. The teacher put him out
25 numerous times.

1 Q So if I get this right, Mr. Donaldson,
2 numerous times before August 29, 2003, Drayton had
3 visited the classroom you were taking the GED; is that
4 accurate?

5 A Yes.

6 Q Do you remember when you started GED classes
7 at McKean?

8 A No, sir.

9 Q It was after you came out of the SHU on
10 February 12, 2003; is that accurate?

11 A Yes.

12 Q You did not take GED classes before you went
13 in the SHU?

14 A I can't recall.

15 Q All right. But anyway, after you came out
16 of the SHU, February 12 of 2003, is it your testimony
17 that you would see Inmate Drayton in the education
18 classroom you were in prior to August 29, 2003?

19 A Yes.

20 Q Did you see him every day in that education
21 department?

22 A No, it wasn't every day.

23 Q Was it more than five times before August 29
24 that you saw Drayton in your classroom?

25 A I'm not sure.

1 A I mean, I can't say what another inmate --
2 the statement that another inmate used, but, I mean, as
3 far as me, I don't have no clue of why he did what he
4 did. I can't speak for him.

5 Q After you got out of the SHU February 12 of
6 2003, Mr. Donaldson, did you ever have a lover's
7 quarrel with Drayton before August 29, 2003?

8 A No, we didn't have no lovers quarrel. I
9 told him when he came to my unit after he was released
10 from the hole to stop harassing me and leave me alone.
11 He was still continuing that.

12 Q Did you have sex with Drayton between
13 February 12, 2003, and August 29, 2003?

14 A No.

15 Q So the sex you had with Drayton was before
16 November 12, 2002; is that accurate?

17 A Yes.

18 Q Was that the source of the problem between
19 you and Drayton, the fact that you did not have sex
20 with him?

21 A I don't know if that was the source of the
22 problem. I'm not sure. I'm not sure what the problem
23 was.

24 Q Now, today, you told us about August 29,
25 2003, and this terrible incident where you had a

1 Q You said you smelled coffee, you smelled the
2 hair relaxer, and anything else that your smell picked
3 up, Mr. Donaldson, on August 29, 2003?

4 A It was like seasoning. I think I smelled
5 seasoning.

6 Q When you say seasoning, do you mean akin to
7 pepper?

8 A Yeah, like what they call cooking
9 seasonings.

10 Q Fair enough. Herbs and spices, it could be
11 oregano, that's what you're talking about?

12 A Yes, sir.

13 Q You mentioned that the substance burned; is
14 that correct?

15 A Yes, sir.

16 Q Did the substance go into both of your eyes
17 or just one of your eyes?

18 A It went in both of my eyes.

19 Q And you mentioned that it went on your hair;
20 is that correct?

21 A Yes, sir.

22 Q And it went on your face?

23 A Yes, sir.

24 Q And what other parts of your body did it go
25 on?

1 A It burnt through my clothes and touched my
2 shoulders.

3 Q Was the substance hot?

4 A Yes, sir.

5 Q Did you receive any assistance from BOP
6 personnel at the classroom?

7 A I was immediately rushed from the classroom
8 to -- they call it a mop room -- to rinse out my eyes.
9 They were trying to rinse out my eyes and rinse the
10 chemicals or whatever he threw on me out of my face.

11 Q Now, who was doing that, the teacher?

12 A It was staff. I'm not sure who was doing
13 it, but it sounded like a teacher.

14 Q If I told you the teacher's name was
15 Nicholson, does that ring a bell?

16 A Yes, that rings a bell.

17 Q And was Teacher Nicholson the person who was
18 trying to rinse this liquid, this substance out of your
19 face, if you know?

20 A I'm not sure if it was -- I know it was a
21 lady who did it, I'm not sure if she was medical or if
22 she was in the education department.

23 Q Did you go to the Health Services Unit then
24 at McKean for further treatment after they tried to
25 rinse this out of your face?

1 A Yes, sir.

2 Q Could you see when you went to the Health
3 Services Unit?

4 A No, I couldn't. I could blink my eye --
5 blink my eyes open, but they would burn for me to open
6 my eyes. So when they -- I couldn't see to the health
7 service, they had to guide me to there, I couldn't see,
8 because the sun was out and the chemicals was burning
9 my face if I tried to open up my eyes.

10 Q You do remember going to health services or
11 being told you were going health services at McKean; is
12 that correct?

13 A Yes, sir.

14 Q That same day, August 29, 2003, you were
15 then taken to Bradford Regional Hospital, is that
16 correct, for further treatment?

17 A Yes, sir.

18 Q Were you taken by ambulance or did a prison
19 staff take you, if you know?

20 A I think prison staff took me.

21 Q Were you treated and released at Bradford
22 Hospital on August 29 or were you admitted to the
23 hospital?

24 A I don't know if they admitted me to the
25 hospital. All I know is I was taken to the hospital

1 for additional treatment.

2 Q Do you recall if you saw an ophthalmologist
3 at the hospital?

4 A For my eyes?

5 Q Yes.

6 A Yes.

7 Q And did they treat your burns on your hair,
8 and what about your face and your shoulder? Do you
9 recall what the treatment was?

10 A No, I'm not sure.

11 Q But you're fairly certain that you were
12 treated and released at the hospital on August 29 and
13 then returned to McKean that same day?

14 A Yes, sir.

15 Q What were the extent of your injuries?

16 Let's start with your eyes. What were the extent of
17 your injuries to your eyes?

18 THE WITNESS: Excuse me, could we take a
19 break for a moment?

20 (Witness emotional.)

21 (A recess was taken from 12:14 p.m. until
22 12:16 p.m.)

23 MR. SKIRTICH: Let's go back on the record.
24 And I remind you, Mr. Donaldson, you're still under
25 oath.

1 A I notified him before I went into protective
2 custody, also.

3 Q Okay. And, in fact, that's in your
4 Complaint, that you notified Counselor Buck; is that
5 correct?

6 A Yes.

7 Q Well, let's go back. Take a look at
8 Paragraph 7 and 8, please. In 7 and 8, you say that on
9 November 12, 2002, when you were in the SHU, you were
10 interviewed by Buck and Kindervator. In fact, that's
11 the same date that you requested to get into the SHU;
12 is that right?

13 A November 12, yes.

14 Q So the same day that you requested to get
15 into the SHU, and after you spoke with the lieutenant,
16 Kindervator and Buck apparently interviewed you; is
17 that correct?

18 A Yes.

19 Q And in 7 and 8, you name Drayton as your
20 harasser and that you told Buck and Kindervator that
21 you feared being injured by Drayton; is that correct?

22 A Yes, sir.

23 Q Now, in your Complaint, you don't have
24 anything that you told Buck before November 12, 2002,
25 that you were in some fear of attack by Drayton; is

1 A No.

2 Q Did you talk to Captain Reich before you
3 were in the SHU about your fear of Drayton?

4 A No.

5 Q Did you talk to Lamanna before November 12,
6 2002, about your fear of Drayton?

7 A No.

8 Q Did you talk to Kindervator before November
9 12, 2002?

10 A I'm not sure that I talked to Kindervator,
11 but I know I talked to Counselor Buck.

12 Q Okay. Fair enough. And the SIS lieutenant,
13 who we don't have a name -- but you didn't talk to the
14 SIS lieutenant until after you were in the SHU about
15 Drayton; is that accurate?

16 A Yes.

17 Q And Dr. Rhinehart, did you talk to Rhinehart
18 before you were in the SHU about Drayton?

19 A I'm not sure.

20 Q Okay. Now, when you were in the SHU, as you
21 detail in your Complaint, several prison employees
22 interviewed you that day or the day after about
23 Drayton; is that accurate?

24 A Yes.

25 Q And, in fact, that's why -- since you named

1 an orderly in the unit -- he wrote me a -- he wrote me
2 a letter.

3 I couldn't -- I mean, after I went to SHU, I
4 received the letter, but I didn't have the letter in my
5 possession because I couldn't see, but my celly --
6 (witness emotional.)

7 My celly was reading the letter to me that
8 he had supposedly wrote, and he was calling me all
9 kinds of names. I don't know if he threatened me in
10 the letter or not, I can't recall.

11 But I know after receiving the incident on
12 August 29, 2003, and then receiving the letter -- I
13 can't even recall what the letter was, but I know it
14 wasn't a friendly letter, and I asked my celly to throw
15 the letter -- or give the letter back to the orderly or
16 throw it in the toilet.

17 Q When you were interviewed on November 12,
18 2002, by Kindervator, this was after you had asked to
19 be placed in the SHU; is that correct?

20 A Yeah.

21 Q And you recall that Kindervator and Buck
22 came to speak with you on November 12, 2002, do you
23 recall that?

24 A Yes, I think it was that day or several days
25 after.

1 Q And I'm reading from Kindervator's report,
2 which we'll make Deposition Exhibit 2, and it says on
3 November 12, 2002, inmate Donaldson was placed in the
4 SHU after requesting protective custody, that would be
5 accurate; is that right?

6 A Yes.

7 Q The inmate was interviewed that same day by
8 Unit Manager Kindervator and Counselor Buck in the SHU.
9 Do you dispute that they interviewed you that same day?

10 A Yeah, it could have been the same day. I
11 don't know the exact day, but it could have been that
12 same day because I came -- I went in at, like, 1 or
13 2:00 in the morning, so it could have been the same day
14 the next morning.

15 Q What was Drayton's nickname?

16 A I'm not sure. They called him Supreme, they
17 called him Seven.

18 Q And what was the second one?

19 A Seven. Most of them from New York, they
20 call him Seven.

21 MR. SKIRTICH: Off the record.

22 (Discussion held off the record.)

23 MR. SKIRTICH: Back on the record.

24 BY MR. SKIRTICH:

25 Q When you interviewed with Kindervator and

1 THE WITNESS: Yes, sir.

2 MR. SKIRTICH: Thank you.

3 BY MR. SKIRTICH:

4 Q You testified before that at the time of
5 this incident, August 29, 2003, Inmate Drayton was in
6 the education classroom with you, do you recall that
7 testimony, in the same classroom as you were?

8 A Yes, he was in the same classroom.

9 Q You were seated at your desk at the time of
10 the incident; is that correct?

11 A Yes.

12 Q When you came in to the classroom on that
13 day, did you see Inmate Drayton already present before
14 you sat down?

15 A I can't recall, but to the best of my
16 knowledge, I don't think that I seen him. I can't
17 recall.

18 Q But Drayton came in after you and then went
19 and spoke to another inmate in the classroom before the
20 incident, I believe that was your testimony?

21 A No, he came -- he used to come in the
22 classroom before and talk to another inmate. I don't
23 know if he talked to an inmate -- I'm trying to -- hold
24 on a second.

25 Q And for the record, just for you, this is

1 for August 29, 2003. And maybe the easiest question
2 is, when is the first time you saw Inmate Drayton on
3 August 29, 2003, in this classroom?

4 A I'm not sure if he was sitting talking to an
5 inmate on the side of me or he was already in the
6 classroom when I came in the classroom; I'm not even
7 sure.

8 Q Were you aware that Drayton was in the
9 classroom before this incident occurred on August 29?

10 A (Witness shrugs shoulders.)

11 Q That's fair enough. You don't know.
12 Drayton was in the classroom prior to August 29, 2003,
13 the classroom where you were taking GED classes,
14 correct? At some point, he was in that classroom prior
15 to August 29, 2003?

16 A Yes, he could have been. I mean --

17 Q I thought your testimony was you had seen
18 Drayton in the classroom prior to the incident speaking
19 with other inmates?

20 A No, he used to come in the classroom and
21 speak -- before, speaking with other inmates in the
22 classroom and the teacher used to run him out. I'm not
23 sure that day that he came in and spoke with other
24 inmates, I'm really not sure.

25 Because after the incident, the only thing

1 -- I mean, really the only thing at this time that I
2 can remember about August 29, 2003, before the incident
3 is when he -- because I had to go through so much after
4 he threw the chemicals in my face, I can't really
5 recall that he was sitting on the side of me or he was
6 -- I don't know.

7 Q Now, you did say that he was in the
8 classroom before the teacher threw him out on prior
9 occasions?

10 A Yes.

11 Q Do you recall the teacher at McKean throwing
12 Drayton out of that classroom prior to August 29, 2003?

13 A I don't know the teacher's name. I don't
14 know if it was the teacher that was assigned -- my
15 teacher that was in the classroom or a substitute
16 teacher, but I know they asked him on a couple of times
17 to leave the classroom.

18 Q If it was a teacher or if it was a
19 substitute, a BOP official asked Drayton to leave on
20 occasion before August 29, 2003; is that accurate?

21 A Yes.

22 Q And the staff personnel, the BOP personnel
23 who asked him to leave knew that Drayton didn't belong
24 in the classroom prior to August 29; is that accurate?

25 A Yes.